

Message Text

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PAGE 01 BANGKO 07074 081138Z

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TAGS: ELAB, TH

SUBJ: DRAFT ALIEN OCCUPATION LAW

REF: BANGKOK 22893

1. THAI NATIONAL LEGISLATIVE ASSEMBLY HAS COMPLETED FIRST READING OF DRAFT "ALIEN OCCUPATION LAW" COVERING ISSUANCE OF WORK PERMITS TO NON-THAI SEEKING GAINFUL EMPLOYMENT IN THAILAND. CURRENT DRAFT, WHICH HAS BEEN REFERRED TO 15 MAN INTERMINISTERIAL COMMITTEE FOR REVIEW AND REVISION, IS SIMILAR TO BILL PASSED LAST OCTOBER BY NATIONAL ASSEMBLY PRIOR TO OCTOBER 20TH COUP BUT NEVER PROMULGATED. PRIME MINISTER KRIANGSAK CHAMANAN HAS INSTRUCTED COMMITTEE TO ADD PROVISIONS FACILITATING ISSUANCE OF WORK PERMITS TO FOREIGN INVESTORS AND TO FINISH REVISION OF BILL AS "PROMPTLY" AS POSSIBLE.

2. AS DRAFT BILL IS STILL IN FORMATIVE STAGE, RTG DEPARTMENT OF LABOR (DOL), WHICH WILL ADMINISTER NEW LAW IF AND WHEN PASSED, IS UNWILLING TO COMMENT ON PROVISIONS OF BILL UNTIL PASSED BY NATIONAL LEGISLATIVE ASSEMBLY AND ACTUALLY PROMULGATED INTO LAW. HOWEVER, DRAFT BILL CONTAINS SEVERAL IMPORTANT CHANGES FROM EXISTING PROVISIONS IN NATIONAL EXECUTIVE COUNCIL ANNOUNCEMENT NO. 322 OF DECEMBER 13, 1972. THE MOST UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BANGKO 07074 081138Z

SIGNIFICANT CHANGE IS THE EXTENSION OF WORK PERMIT REQUIREMENT TO ALL REFUGEES, PAST AND PRESENT, WHO ENTERED THAILAND WITHOUT PROPER DOCUMENTATION, I.E. PASSPORTS AND VISAS, AND HAVE NOT SUBSEQUENTLY ACQUIRED RESIDENT STATUS. SUCH INDIVIDUALS WOULD BE PERMITTED TO OBTAIN WORK PERMITS ONLY IN ACCORDANCE WITH REGULATIONS TO BE SPECIFIED BY MINISTER OF INTERIOR.

THIS PROVISION, WHICH PRESS DESCRIBES AS CLOSING MAJOR LOOPHOLE, IS DIRECTED LARGELY AT 50,000 ETHNIC VIETNAMESE (RTG ESTIMATE) IN NORTHEAST, MOST OF WHOM ENTERED THAILAND AS REFUGEES IN EARLY 1950'S AND WERE NOT CONSIDERED COVERED BY ANNOUNCEMENT 322.

3. BILL ALSO PROVIDES MORE SEVERE PENALTIES FOR WORK PERMIT VIOLATIONS. ALIENS WORKING ILLEGALLY WOULD BE SUBJECT TO FINES UP TO MAXIMUM OF 100,000 BATH (\$5,000) AND JAIL SENTENCES UP TO FIVE YEARS. EMPLOYERS WHO HIRE SUCH ALIENS COULD BE FINED UP TO 60,000 BATH (\$3,000) AND PUT IN JAIL UP TO THREE YEARS.

4. DRAFT BILL SPECIFICALLY EXCLUDES FROM ITS COVERAGE ALL ALIENS LIVING IN THAILAND UNDER DIPLOMATIC STATUS. RTG DOL IS UNWILLING TO SPECULATE AT THIS TIME ON HOW REQUESTS FOR WORK PERMITS FROM DIPLOMATIC DEPENDENTS WOULD BE HANDLED UNDER PROPOSED LAW. EMBASSY WILL CONTINUE TO SEEK CLARIFICATION ON THIS MATTER AND REPORT WHEN MORE INFORMATION BECOMES AVAILABLE.
WHITEHOUSE

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